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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re patent application of  
Heinrich HEIDTMANN et al.

Serial No.: 09/256,237

Filed: February 24, 1999

Atty. Docket No. 38005-0087

Group Art Unit: 1642

Examiner: M. Davis

For: NUCLEIC ACID CONSTRUCT FOR EXPRESSING ACTIVE SUBSTANCES WHICH CAN  
BE ACTIVATED BY PROTEASES AND PREPARATION AND USE

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO/SB/08A is a listing of documents known to applicants in order to comply with applicants' duty of disclosure pursuant to 37 C.F.R. §1.56 and §1.97. A copy of each of the listed documents are being submitted to comply with the provisions of 37 C.F.R. §1.97-1.99.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or is considered to be material to patentability as defined in 37 C.F.R. §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

**RELEVANCE STATEMENT**

The relevance of documents C01-C14 are described in the Declaration of Roland Kontermann under 37 CFR §1.132 filed March 11, 2002.

**TIMING/FEE**

The instant Information Disclosure Statement is being filed after the mailing of a first Office action on the merits but before the mailing date of either (1) a final action under §1.113; (2) a notice

of allowance under §1.311; or (3) an action that otherwise closes prosecution in the application. The required fee in the amount of \$180.00 in accordance with 37 CFR §1.17(p) is attached. The Commissioner is hereby authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 08-1641.

Applicants respectfully request that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08A be returned in accordance with M.P.E.P. §609.

Respectfully submitted,

Date: March 28, 2002

By Patricia D. Granados

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